

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Bruce Cohn,

Plaintiff,

v.

Anna Popescu, TrustHFTwallet.com,
and John Does 1 – 20,

Defendants.

Case No. 1:24-cv-00337

**Plaintiff's Motion for Entry
of Second Amended
Preliminary Injunction**

Plaintiff Bruce Cohn hereby requests that the Court enter a Second Amended Preliminary Injunction modifying the extant Amended Preliminary Injunction entered by the Court on October 16, 2024 (Dkt. 18). In support, he respectfully shows the Court the following.

I. Facts

The owner of an additional cryptocurrency-exchange account that was frozen under the initial Preliminary Injunction has entered into a settlement agreement with Mr. Cohn. The frozen account and the exchange at which it is held are indicated below.

<i>Exchange</i>	<i>Deposit Address</i>
OKX	3NdBc2vgwxWt4jjUeoYshqibXPRD5NrL7C

The owner of the OKX account associated with the deposit address (the “OKX Accountholder”) and Mr. Cohn have agreed to a procedure whereby OKX would partially unfreeze the Accountholder’s OKX account, and then subsequently completely unfreeze the account after the settlement payment is received by Mr. Cohn.

The OKX Accountholder supports the relief requested in this Motion. The OKX exchange has indicated its willingness to assist in the procedure agreed to by the Accountholder and Mr. Cohn and requested that Mr. Cohn provide an Order explicitly authorizing the actions it will take in this regard.¹ Mr. Cohn’s proposed order, submitted along with this Motion, contains language to that effect.

II. Applicable Law

A district court has the discretion to modify its injunctive decrees “where changed circumstances require modification so as to effectuate the purposes underlying the initial grant of relief.”² A preliminary

¹ Ex. 1, Email from OKX to Cohn counsel.

² *Pro Edge L.P. v. Gue*, 411 F. Supp. 2d 1080, 1086–87 (N.D. Iowa 2006) (collecting cases).

injunction is, after all, “an ambulatory remedy that marches along according to the nature of the proceeding ... subject to adaption as events may shape the need.”³ An evidentiary hearing is not required where there is no material factual controversy at issue.⁴

III. Relief Requested

The proposed Second Amended Preliminary Injunction includes language indicating that the OKX exchange should assist with the settlement procedure agreed to by Mr. Cohn and OKX Accountholder by first implementing a partial unfreezing of the relevant OKX account and subsequently implementing a total unfreezing upon notification that Mr. Cohn has received the agreed-upon settlement payment. If the Court chooses to enter the Second Amended Injunction as requested, Mr. Cohn’s counsel will serve it on OKX and coordinate with its representatives to effectuate the Order and the parties’ agreement.

³ *Sierra Club v. U.S. Army Corps of Engineers*, 732 F.2d 253, 256 (2d Cir. 1984).

⁴ *Linc-Drop, Inc. v. City of Lincoln*, 996 F. Supp. 2d 845, 849 (D. Neb. 2014) (noting that “[a]n evidentiary hearing is only required before issuing an preliminary injunction if there is a material factual controversy,” and collecting cases).

Dated: December 9, 2024

Respectfully submitted,

THE HODA LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read "M Hoda", enclosed within a large, loopy circular flourish.

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Attorney for Plaintiff

Exhibit 1

Monday, December 9, 2024 at 12:30:57 Central Standard Time

Subject: [OKX] Re: Legal Notice re: Court Order
Date: Monday, December 2, 2024 at 8:59:02 AM Central Standard Time
From: OKX Legal Team
To: Marshal Hoda



Your request 5883427 has been updated. To add additional comments, reply to this email.



OKX Legal Ops (OKX)

Dec 2, 2024, 22:58 GMT+8

Dear Marshall,

We refer to your email of November 28, 2024 and the settlement agreement attached therein.

Please first provide us with a copy of a local court order formally memorialising the purported settlement between your client and the relevant OKX user (including express terms confirming the extinguishment, partial or otherwise, of prior freeze orders) for our consideration on a voluntary basis. Such local court order should also specify in detail any such steps that OKX should take to assist (on a voluntary basis) with the execution of such settlement agreed between the relevant parties.

This (and any subsequent) voluntary response and any such voluntary action that we may take in connection with such court order formalising the settlement, are without prejudice and are not intended, and shall not be construed, as a partial or full waiver of any right to challenge jurisdiction or to require proper service or any legal process.

Best regards,

Lynne

OKX Legal Ops



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